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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

DOCKETED

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

2005 APR 19 A 9 14

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AZ CORP COMMISSION
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DOCKETED BY

KJ

IN THE MATTER OF THE APPLICATION OF
WOODRUFF WATER COMPANY, INC. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WATER SERVICE IN
PINAL COUNTY, ARIZONA.

DOCKET NO. W-04264A-04-0438

IN THE MATTER OF THE APPLICATION OF
WOODRUFF UTILITY COMPANY, INC. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE SEWER SERVICE IN
PINAL COUNTY, ARIZONA.

DOCKET NO. SW-04265A-04-0439

IN THE MATTER OF THE APPLICATION OF
ARIZONA WATER COMPANY, AN ARIZONA
CORPORATION, TO EXTEND ITS EXISTING
CERTIFICATES OF CONVENIENCE AND
NECESSITY AT CASA GRANDE AND
COOLIDGE, PINAL COUNTY, ARIZONA.

DOCKET NO. W-01445A-04-0755

SEVENTH
PROCEDURAL ORDER

BY THE COMMISSION:

On June 10, 2004, Woodruff Water Company, Inc. ("WWC") and Woodruff Utility Company, Inc. ("WUC"), each filed an application for a Certificate of Convenience and Necessity ("Certificate") with the Arizona Corporation Commission ("Commission") to provide public water and public wastewater utility service, respectively, to various parts of Pinal County, Arizona.

On June 30, 2004, the Commission's Utilities Division ("Staff") issued a notice of insufficiency which indicated that WWC's and WUCS's applications had not met the sufficiency requirements of A.A.C. R14-2-411(C), and A.A.C. R14-2-610(C).

On October 7, 2004, Staff issued a letter of administrative completeness to WWC and WUC.

On October 14, 2004, by Procedural Order, a hearing was set in this matter.

On October 19, 2004, Arizona Water Company ("AWC") filed an application to extend its Certificate(s) to include the area in which WWC is seeking a Certificate of provide water service, an

1 application to intervene in the WWC proceeding in the above-captioned matter and a Motion to
2 Consolidate the proceedings with respect to WWC's application to provide water service.

3 On November 4, 2004, by Procedural Order, AWC was granted intervention, the above-
4 captioned matters consolidated for purposes of hearing, and a pre-hearing conference scheduled for
5 November 18, 2004.

6 On November 5, 2004, Staff filed a Motion to Extend because of the issues raised by the
7 competing applications filed by WWC and AWC with respect to the provision of water service in the
8 area sought to be certificated herein. Staff requested that the current procedural schedule established
9 by the Commission's October 14, 2004, Procedural Order in this proceeding be vacated and the time-
10 frame for the above-captioned proceedings be extended to allow for the review and consideration of
11 the pending applications in one hearing.

12 On November 10, 2004, AWC filed Joinder in Staff's Motion to Extend. WWC and WUC
13 filed a response indicating that they did not object to a short delay. WWC and WUC also indicated
14 that public notice had been provided as previously ordered.

15 On November 10, 2004, by Procedural Order, Staff's Motion to Extend was granted until
16 Staff issues a letter of administrative completeness to AWC at which time the time-frame will be
17 restarted. It was further ordered that the pre-hearing conference scheduled for November 18, 2004, go
18 forward as previously scheduled as well as the hearing scheduled on November 30, 2004, for public
19 comment to be taken.

20 On November 12, 2004, Staff issued a notice to AWC that its application did not meet the
21 sufficiency requirements of A.A.C. R14-2-411(C).

22 On November 18, 2004, a pre-hearing conference was convened with WWC, WUC, AWC
23 and Staff present with counsel.

24 On November 30, 2004, a full public hearing was convened before a duly authorized
25 Administrative Law Judge at its offices in Phoenix, Arizona. WWC, WUC, AWC and Staff were
26 present with counsel and public comment was taken.

27 On December 16, 2004, Pulte Home Corporation ("Pulte") filed a Motion to Intervene and
28 requested expedited consideration of the uncontested extension area. There were no objections to

1 Pulte's Motion to Intervene.

2 On December 30, 2004, by Procedural Order, Pulte was granted intervention in the above-
3 captioned matters. Its additional request was taken under advisement.

4 On January 4, 2005, AWC filed a Response to the Insufficiency Letter.

5 On January 5, 2005, WWC and WUC filed a copy of their Affidavit of Publication.

6 On January 20, 2005, Staff issued a notice of administrative sufficiency to AWC pursuant to
7 A.A.C. R14-2-411(C).

8 On January 24, 2005, by Procedural Order, the proceeding was scheduled for hearing on April
9 18, 2005.

10 On January 27, 2005, Staff filed a Motion to Reschedule Hearing because a key Staff witness
11 would be unavailable to testify due to a scheduling conflict.

12 On January 31, 2005, by Revised Procedural Order, the Commission rescheduled the
13 proceeding.

14 Prior to the rescheduling of the proceeding, AWC filed what was captioned as "Motion for
15 Procedural Order Concerning Prefiled Testimony" ("PF Motion") which requested that a Procedural
16 Order be issued directing the parties to prefile prepared direct and rebuttal testimony and exhibits.
17 Subsequently, Staff filed a response objecting to AWC's PF Motion.

18 On February 1, 2005, AWC, in support of the PF Motion, filed a reply to Staff's response.

19 On February 2, 2005, WWC and WUC filed their response supporting Staff's position and
20 argued further that the proceeding would be unduly delayed if AWC's PF Motion is granted.

21 On February 7, 2005, AWC filed its reply to WWC's and WUC's response.

22 On February 8, 2005, by Procedural Order, AWC's PF Motion was denied.

23 On April 18, 2005, during a teleconference arranged by the parties, it was determined that
24 because of the number of witnesses being called to testify by the parties that at least two to three days
25 of hearing time would be required and that the hearing should be continued to a more appropriate
26 date.

27 Accordingly, the hearing should be continued and the timeframe suspended pursuant to
28 A.A.C. R14-2-411.

1 IT IS THEREFORE ORDERED that the hearing scheduled for April 20, 2005, at 9:30 a.m., at
2 the Commission's offices, 1200 West Washington Street, Phoenix, Arizona, shall be held for the
3 purpose of taking public comment only.

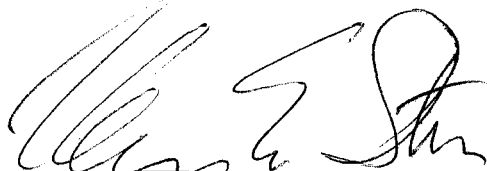
4 IT IS FURTHER ORDERED that the evidentiary portion of the proceeding shall commence
5 on May 23, 2005, at 9:30 a.m.

6 IT IS FURTHER ORDERED that the parties shall also set aside May 24 and 25, 2005 for
7 additional days of hearing, if necessary.

8 IT IS FURTHER ORDERED that the timeframe rule, A.A.C. R14-2-411, shall be suspended
9 until further Order..

10 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,
11 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
12 ruling at hearing.

13 DATED this 19th day of April, 2005.


14
15
16 MARC E. STERN
17 ADMINISTRATIVE LAW JUDGE

18 Copies of the foregoing mailed/delivered
19 this 19 day of April, 2005 to:

20 Marvin Cohen
21 SACKS TIERNEY
22 4250 N. Drinkwater Blvd., 4th Floor
23 Scottsdale, AZ 85251-3900
24 Attorneys for Woodruff Water Company, Inc.
25 and Woodruff Utility Company, Inc.

26 Jeffrey W. Crockett
27 SNELL & WILMER
28 400 W. Van Buren
Phoenix, AZ 85004-2202
Attorneys for Woodruff Water Company, Inc.
and Woodruff Utility Company, Inc.

Robert W. Geake
ARIZONA WATER COMPANY
P.O. Box 29006
Phoenix, AZ 85038-9006

Steven A. Hirsch
BRYAN CAVE, LLP
Two North Central Avenue, Ste. 2200
Phoenix, AZ 85004-4406

Denis Fitzgibbons
Coolidge City Attorney
711 E. Cottonwood, Ste. E
Casa Grande, AZ 85230-1208

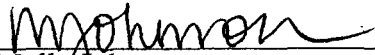
K. Scott McCoy
Casa Grande City Attorney
510 E. Florence Blvd.
Casa Grande, AZ 85222

1 Raymond S. Heyman
2 Michael W. Patten
3 ROSHKA HEYMAN & DeWULF
4 400 East Van Buren Street, Ste. 800
5 Phoenix, AZ 85004
6 Attorneys for Pulte Home Corporation

7 Christopher Kempley, Chief Counsel
8 Legal Division
9 ARIZONA CORPORATION COMMISSION
10 1200 West Washington Street
11 Phoenix, Arizona 85007

12 Ernest Johnson, Director
13 Utilities Division
14 ARIZONA CORPORATION COMMISSION
15 1200 West Washington Street
16 Phoenix, Arizona 85007

17 ARIZONA REPORTING SERVICE, INC.
18 2627 N. Third Street, Ste. Three
19 Phoenix, Arizona 85004-1104

20 By: 
21 Molly Johnson
22 Secretary to Marc E. Stern
23
24
25
26
27
28